



3

**DEPARTMENT OF PARKS  
AND COMMUNITY SERVICES**

G. ERLING LINGGI  
ACTING DIRECTOR

WALTER S. UEDA  
DEPUTY DIRECTOR

July 21, 1992

**CITY OF SACRAMENTO  
CALIFORNIA**

1231 I STREET  
SUITE 400  
SACRAMENTO, CA  
95814-2977

PH 916-264-5200  
FAX 916-264-7643

DIVISIONS:  
GOLF  
CROCKER ART MUSEUM  
HISTORY AND SCIENCE  
METROPOLITAN ARTS  
SACRAMENTO ZOO  
PARKS AND RECREATION  
• NORTH  
• SOUTH  
• CITY-WIDE

**LAW AND LEGISLATION COMMITTEE  
SACRAMENTO, CALIFORNIA**

HONORABLE MEMBERS IN SESSION:

SUBJECT: Ordinance Amendment to Article I of Chapter 45 Relating to Trees

LOCATION AND COUNCIL DISTRICT

City Wide

SUMMARY

This report recommends that the City Council amend the City Code relating to street trees in order to provide accurate definitions, clarify maintenance responsibilities for City street trees and maintenance easement trees, increase protection for street trees and heritage trees and provide for a system of registration for persons maintaining street trees.

STAFF RECOMMENDATION

This report recommends that the Law and Legislation Committee review and approve the proposed ordinance amendments and forward these recommendations on to the City Council for enactment.

BACKGROUND

The City Council approved the development of an Urban Forest Management Plan for Sacramento in April of 1990. One of the goals of the Plan is to clarify and strengthen the current City Code ordinance relating to street trees. The proposed changes are recommended as part of the Urban Forest Management Plan which will be presented to the City Council on August 18, 1992, along with these ordinance revisions. A copy of the proposed ordinance is attached as Exhibit A. The following changes are the primary focus of the ordinance amendments:

### Definitions

The ordinance amendments propose changes to clarify the conditions and types of street trees within the City. For example, City Street Trees, Maintenance Easement Private Street Trees, Public Trees, Private Trees and Street Trees are now all clearly defined. These definitions are necessary to provide a legal description of the trees as well as to clarify maintenance responsibilities by both the City and the property owner.

### Heritage Trees

Changes to the Heritage Tree section of the ordinance will strengthen and expand the current protection policies. In addition to previously protected trees having a trunk circumference of 100 inches or more, any native oak, California Buckeye or California Sycamore having a circumference of 36 inches or greater, any tree 36 inches or greater in a riparian zone, or any tree or grove of trees designated by the City Council to be of special historical or environmental value will now be protected.

### Registration for Tree Trimmers

Section 45.16 establishes a system to register any person, firm or corporation desiring to perform maintenance work on any City street tree or maintenance easement private street tree. That individual or company shall register with the Department of Parks and Community Services with a form provided by the Department. In the event that the Department determines that substandard maintenance work has been performed by that individual or company, the Department can issue an order to suspend the privilege to maintain street trees. The privilege may be reinstated when the person shows evidence that they can perform work in accordance with acceptable industry standards.

### Tree Maintenance

In addition to providing a concise definition of the types of street trees in the City, the ordinance delineates the responsibilities of the private property owner with regard to their maintenance easement private street tree. The ordinance now emphasizes the private property owner caring for their own front yard trees. However, the ordinance does allow for the City to provide trimming and removal service for the maintenance easement trees "as budgetary limitations allow."

The revised ordinance expands the provision of requiring a permit from the Department of Parks and Community Services to remove, trim or prune a tree to include the maintenance easement private street tree in addition to the City street tree.

In addition, the provision which previously allowed property owners to trim mistletoe from their trees without a permit has been eliminated because mistletoe trimming seemed to open the door to poor trimming practices. The City mistletoe tool loan program will be continued with instructions on how to properly remove mistletoe without topping the tree.

FINANCIAL CONSIDERATIONS

Enactment of the proposed ordinance amendment will have no financial impact on the City. Should the City at some future time choose to return to the practice of providing trimming and removal service to maintenance easement private street trees, that option is available through language in this ordinance.


POLICY CONSIDERATIONS

The revised ordinance is consistent with the policies recommended in the Urban Forest Management Plan which will be presented to the City Council on August 18, 1992. The Plan emphasizes the need to provide uniform, professional tree care to all city trees and to protect existing street trees from improper trimming. In addition, the heritage tree preservation section has been expanded.

MBW/WBE

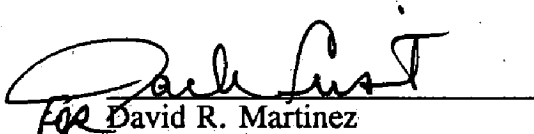
Not applicable.

Respectfully Submitted By:



Ken Harris, Manager  
Parks and Recreation City-wide

RECOMMENDATION APPROVED:

  
David R. Martinez  
Deputy City Manager

APPROVED:

  
G. Erling Linggi, Acting Director  
Parks and Community Services

CONTACT FOR MORE INFORMATION: Martin Fitch, Parks Superintendent, 433-6345

KH/GEL:pmg

Attachments

*c/thomas, k/council treeordl*

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING ARTICLE I OF CHAPTER  
45 OF THE SACRAMENTO CITY CODE, RELATING TO  
TREES**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

## Section 1

Article I of Chapter 45 (Sections 45.1 - 45.16) of the Sacramento City Code is hereby amended to read as follows:

### Article I. In General

#### Sec. 45.1 Findings.

The City Council finds and determines that the planting and preservation of trees enhances the natural scenic beauty, increases life-giving oxygen, promotes ecological balance, provides natural ventilation, air filtration, and temperature, erosion, and acoustical controls, increases property values, improves the lifestyle of residents, and enhances the identity of the City.

#### Sec. 45.2 Definitions.

When used in this article, the following words and phrases shall apply:

- (a) City street tree. "City street tree" shall mean and include any tree growing on ~~City-owned real property or growing on an easement dedicated to the public pursuant to Section 40.318 or on a public road easement.~~ City street trees are maintained by the City.
- (b) Director. "Director" shall mean the Director of the Department of ~~Recreation and Parks and Community Services~~ or the Director's designated representative.
- (c) Maintain or maintenance. "Maintain" or "maintenance" shall mean and include trimming, pruning, spraying, injecting, fertilizing, cabling, treating for disease or injury, and any other similar acts which promote the life, growth, health or beauty of trees, excepting only watering, unless specifically so stated.

---

FOR CITY CLERK USE ONLY

ORDINANCE NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

- (d) Maintenance strip easement. "Maintenance strip easement" shall mean a strip of land parallel to a public street right-of-way and adjacent thereto, which is twelve-six and one-half feet wide, measured from the back of the curb of the street, or the edge of the paved portion of the street if the street does not have a curb at that location front property line, (and the side property line if a corner lot), except that a maintenance easement shall not be deemed to exist on any parcel where the adjacent street right-of-way provides space for a City street tree.
- (#)(e) Maintenance Easement Private Street Tree. "Maintenance Easement Private Street tree" shall mean and include any tree growing within a maintenance strip easement. No parcel contains more than one maintenance easement private street tree per forty (40) feet of street frontage. If there is more than one tree in the maintenance easement per forty (40) feet of street frontage, only the one closest to the street is a maintenance easement private street tree, and the other(s) are private trees. The owner of the parcel is responsible for maintenance of any maintenance easement private street trees, but must obtain advance approval from the Director before performing work on any maintenance easement private street tree. The City may assist with maintenance of maintenance easement private street trees, as budgetary limitations allow.
- (#)(f) Planting List. "Planting list" is the list of trees which is approved by the Director for planting as street trees.
- (g) Private Tree. "Private tree" shall mean and include any tree on private property outside of the maintenance easement. The owner of the parcel is responsible for maintenance of private trees.
- (#)(h) Property Owner. "Property Owner" shall mean and include the person listed as the owner of the property on the then current assessor's role.
- (i) Public Tree. "Public tree" shall mean and include any tree on public property, excepting trees growing on a public road easement.
- (#)(j) Public Utility. "Public utility" shall mean and include every pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system, and heat corporation, where the service is performed for or the commodity delivered to the public or any portion thereof.
- (k) Street Tree. "Street tree" shall mean and include both City street trees and maintenance easement private street trees.

Sec. 45.3 Planting list; Tree planting.

- (a) The Director shall promulgate a planting list. Such list shall consist of shade and ornamental trees suitable for areas adjacent to sidewalks, streets, utility lines, etc. All new and replacement City street tree plantings shall be confined to trees listed on the then current planting list.

(b) The Director shall ~~require provide~~ for the planting of ~~City-maintenance easement private~~ street trees within the ~~maintenance strip-easement~~ of any new subdivision in conformity with Chapter 40 of the City Code, Sections 40.318 and 40.811(i).

(c) ~~A maintenance easement, as defined in Section 45.2(d), shall be established for any new development which is not subject to Section 40.318 of the City Code. The Director shall provide for the planting of maintenance easement private street trees within the maintenance easement of the development.~~

Sec. 45.4 Inspection, maintenance, removal and replacement.

Within budgetary limitations, the Director may provide the following tree-related services:

- ~~(a) — The removal of street trees or limbs therefrom, which are a hazard to public safety, or a public nuisance; provided however, that the Director shall not cause the removal of any tree other than a City street tree without giving thirty days written notice to the property owner on whose property the tree is located, except in the case of an emergency requiring immediate action. If the owner objects to said tree's removal, the owner may, within said thirty days, file objection in writing with the Director, and shall thereafter be given an opportunity to be heard in support of the objection. If such objection is not heard in support of the objection. If such objection is not sustained, the removal may then occur, but only by written order of the Director, and only following expiration of the period for appeal pursuant to Section 45.13, or upon denial of such appeal.~~
- ~~(b) — The inspection, maintenance, removal, and replacement of City street trees.~~
- ~~(c) — The inspection of street trees.~~
- ~~(d) — Upon request of a property owner and where the Director determines it to be necessary, the maintenance and removal of street trees other than City street trees, the removal of street trees or limbs therefrom, which are a hazard to public safety, or a public nuisance; provided however, that the director shall not cause the removal of any tree other than a city street tree without giving thirty days written notice to the property owner on whose property the tree is located, except in the case of an emergency requiring immediate action. If the owner objects to said tree's removal, the owner may, within said thirty days, file objection in writing with the director, and shall thereafter be given an opportunity to be heard in support of the objection. If such objection is not sustained, the removal may then occur, but only by written order of the director, and only following expiration of the period for appeal pursuant to Section 45.13, or upon denial of such appeal. If there is more than one street tree in the maintenance strip on a lot or parcel of land adjacent to a structure, it is the policy of the City to maintain only the City street tree, or if there is no City street tree on that parcel, the street tree closest to the street. No maintenance service shall be provided to any tree standing on private property beyond the maintenance strip or standing in such a position that the use of mechanized equipment is impeded, or where fences and landscaping beneath the tree might be damaged by the work; provided however, an~~

~~exception to this policy may be made if the condition of the tree presents a hazard to public safety or if such service is necessary to control insects or diseases which threaten the health of a significant number of street trees.~~

~~(e) The pruning of City street tree roots where said roots are damaging a public sidewalk. The Director shall attempt to retain all desirable species of street trees by causing roots to be cut within the maintenance strip adjacent to the sidewalk, and where necessary, trimming tips of trees to balance the loss of roots. This service shall be provided by the City subject to budgetary limitations. Repetitive root pruning service shall not be provided, however, for any individual street tree. If the first pruning fails to alleviate the problem, then the tree may be removed and replaced by the City upon future recurrence of the problem.~~

(a) The inspection, maintenance, removal, and replacement of City street trees, including the removal of City street trees, or limbs therefrom, which are a hazard to public safety, or a public nuisance.

(b) Inspection of maintenance easement private street trees.

(c) Where the Director determines it to be necessary, the maintenance, removal, and replacement of maintenance easement private street trees.

In order to perform the services listed in this section, the Director shall have authority to enter upon any part of the maintenance strip easement, and where necessary the properties adjacent thereto.

#### Sec. 45.5 Duties of property owner/tenant and public utilities.

(a) It shall be the duty and responsibility of all property owners/tenants to maintain the grounds of maintenance strips easements on the owner's property, and any unpaved portion of the adjacent street right-of-way where space is provided for a City street tree or other plantings, regardless of whether such property is developed. This maintenance shall include watering as needed and keeping such strips easements and unpaved areas free from weeds or any obstructions contrary to public safety. Property owners shall be responsible for watering mature City street trees whenever landscaping of the property is changed in such a manner as to deprive the tree of its normal source of moisture water. Such watering shall be continued during dry weather until the City street tree becomes acclimated to the new environment, but need not exceed three years. All watering requirements shall be waived to the extent inconsistent with governmental restrictions on water use.

(b) It shall be the duty and responsibility of every person owning or occupying any real property within the City of Sacramento, at his or her own expense, to keep all trees on that property, including trees located in an easement dedicated to the public, trimmed in such a manner that there is a clearance of at least fourteen feet above any street or alley, and a clearance of at least seven eight feet over any sidewalk. It shall also be the duty and responsibility of every person owning or occupying any real property within the City of Sacramento, at his or her own expense, to keep all trees

on that property trimmed in such a manner that they do not obstruct the view of any traffic sign or device for vehicle traffic in the direction controlled by that traffic sign or device.

- (c) A property owner shall be responsible for maintaining all trees on the property owner's property, including maintenance easement private street trees. Nothing in this article shall be construed to limit the duty or right of a property owner to remove or perform maintenance at the property owner's own expense on any tree other than a City street tree, except that pursuant to Section 45.6, the owner must obtain a permit to perform maintenance on a maintenance easement private street tree.
- (d) Whenever the Director determines that removal of a maintenance easement private street tree or a private tree, or limbs therefrom, is necessary to eliminate a hazard to public safety or a public nuisance, the Director may issue a written notice to the property owner specifying the work to be done.
- (e) If, in the opinion of the Director, any maintenance easement private street tree or private tree is in such a condition as to be imminently hazardous to public safety, the Director may arrange to have accomplished such work as is necessary to eliminate the imminent hazard. The cost of such work shall be made a personal obligation of the property owner or shall be assessed against the property as a lien as provided in Article X of Chapter 61 of the City Code.
- (f) Nothing contained in this section authorizes any person to remove, trim, prune, cut or otherwise perform any maintenance on any City street tree or maintenance easement private street tree without first obtaining a permit as required by Section 45.6.
- (e)(g) It shall be the duty and responsibility of any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of a public right-of-way or maintenance strip-easement, to obtain permission from the Director before performing any maintenance on said wires, pipes, or conduits, which would cause injury to City street trees or maintenance easement private street trees. Said public utility shall in no way injure, cut roots, deface, prune, or scar any City street tree or maintenance easement private street tree until their plans and procedures have been approved by the Director.

Sec. 45.6 Protection of Trees.

- (a) No person shall remove, trim, prune, cut or otherwise perform any maintenance ~~other than mistletoe removal as provided in Sec. 45.10~~ on any City street tree or maintenance easement private street tree without first obtaining a permit from the Director pursuant to Sec. 45.7.
- (b) No person shall interfere or cause any person to interfere with any tree related work being done pursuant to this article by any employee of the City of Sacramento or any person or firm doing work for the City.

Sec. 45.13 Appeals.

Any property owner person who is denied a permit to remove or maintain a City street tree or a maintenance easement private street tree, or who object to the removal of the tree on said owner's property pursuant to Section 45.4(a) or Section 45.7, shall be entitled to meet personally with the Director, Assistant Director, or Deputy Director of Parks and Community Services to review the permit application or who objects to the removal of a street tree from said property by the City pursuant to Section 45.4(a). Any person aggrieved by the Director's decision may appeal such decision to the City Council pursuant to Section 2-320 et seq. provided however, that the owner must file a written notice by filing a written notice of appeal with the City Clerk within ten days of the denial of the permit date of the Director's final decision or of the Director's written order that the tree be removed. The notice shall clearly specify the action or determination appealed from, and the reasons for which a hearing is requested.

Sec. 45.14 Liability.

Nothing in this chapter shall be deemed to impose any liability upon any member of the City Council or the City of Sacramento or any of its officers, agents, or employees, nor or to relieve the owner or occupant of any private property from the duty to keep their private property, sidewalks, and adjacent right-of-way planting area maintenance strip on such private property in a safe condition and so as not to be hazardous to public use.

Sec. 45.15 Violations.

Any person violating any provision of this chapter is guilty of an infraction.

Sec. 45.16 Registration of Persons Maintaining Street Trees

Any person, firm, or corporation desiring to perform maintenance on any City street tree or maintenance easement private street tree shall register with the Director on a form to be provided by the Director.

Nothing contained herein exempts any registrant from obtaining required permits for maintenance or removal of street trees.

Sec. 45.17 Suspension and Reinstatement

In the event that the Director determines that any registrant has performed substandard maintenance work on one or more street trees, the Director shall issue an order suspending the registrant's privilege to maintain street trees. The privilege shall be reinstated when the registrant provides evidence, through further education or training, or certification by a recognized national organization, that the registrant can perform tree maintenance work in accordance with acceptable industry standards. Any registrant who contests suspension of his/her/its privilege to maintain street trees shall be entitled to meet personally with the Director, Assistant Director, or Deputy Director of Parks and Community Services to review the suspension. The registrant may appeal the Director's decision to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days of the date of the

Director's final decision. The notice shall clearly specify the determination appealed from and the reasons for which a hearing is requested.

## Section 2

Section 45.211 of Article IV of Chapter 45 of the Sacramento City Code is hereby amended to read as follows:

### § 45.211 Definitions.

- (a) "Director" shall mean the director of the department of community services or his authorized representative.
- (b) "Heritage tree" shall mean:
  - (i) ~~any tree of any species designated by the director with a trunk circumference of one hundred (100) inches or more measured four and one-half (4½) feet above ground level, which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape and location for its species and which has been designated on the Official Heritage Tree Register pursuant to the provisions of this article.~~
  - (ii) any native Quercus species, Aesculus California or Platanus Racemosa, having a circumference of 36 inches or greater when a single trunk, or a cumulative circumference of 36 inches or greater when a multi-trunk.
  - (iii) any tree 36 inches in circumference or greater in a riparian zone. The riparian zone is measured from the center line of the water course to 30 feet beyond the high water line.
  - (iv) any tree, grove of trees or woodland trees designated by resolution of the City Council to be of special historical or environmental value or of significant community benefit.
- (c) "Drip line area" shall mean the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.
- (d) "Circumference" shall mean circumference measured four and one-half (4½) feet above ground level.

## Section 3

Section 45.217 of the Sacramento City Code is hereby amended to read as follows:

**§ 45.217 Maintenance responsibility; Permits for activities affecting heritage trees.**

**(a)** A property owner shall be responsible for maintaining all heritage trees on the property owner's property.

**(a)(b)** None of the following activities shall be performed unless a permit therefore is first applied for by the property owner or person authorized by the property owner and granted by the director, subject to appeal provisions in Section 45.218:

- (1) The removal of any heritage tree;
- (2) Pruning of any segment of a heritage tree greater than thirty-six (36) inches in circumference or the placement of any chemical or other deleterious substance by spray or otherwise on any heritage tree;
- (3) Disturbing the soil or placing any chemical or other deleterious substance or material on the soil within the drip line area of any heritage tree.

**(b)(c)** The permit shall be granted by the director if he finds:

- (1) In the case of removal, (a) that the heritage tree must be removed in order for the applicant to use the property for any use permitted as of right or by special permit under the City of Sacramento Zoning Ordinance for the zoning district in which the property is located and that such use could not be made of the property unless the tree is removed; or (b) that the condition of the tree with respect to disease, danger of falling or interference with utility services is such that the public health, safety or welfare require its removal; or (c) that the tree or tree roots are causing, or threatening to cause, damage to any main structure on the owner's property; or (d) that the tree no longer meets the criteria for a heritage tree set forth in Section 45.211(b);
- (2) In the case of any other activity for which a permit is required, that such activity is necessary either to preserve the heritage tree or to engage in construction activity on the property.

**(e)(d)** In the case of removal of any heritage tree under Subsection **(b)(c)(1)** above, the director shall not act on such an application until a hearing is held thereon. Notice of the time and place of the hearing shall be posted in a conspicuous place on the real property upon which the heritage tree is located and shall be mailed to the applicant and to all owners of real property located within a five hundred (500) foot radius of the real property upon which the heritage tree is located. Notices shall be posted and mailed at least ten (10) days in advance of the hearing. As used herein, owner means the person to whom the property was assessed in the latest equalized assessment roll of the County of Sacramento unless the director has knowledge of a person other than such assessee claiming record ownership of the property.

- (e) The director shall not act on any permit application unless the director has first given the permit applicant an opportunity to be heard thereon. Notice of the time and place at which the applicant may be heard shall be given to the applicant by mail, postage prepaid, at the address shown for the purpose in the application at least ten (10) days in advance thereof.
- (f) The decision of the director may be to grant, grant with conditions or deny any permit applied for and shall be rendered within fifteen (15) days after the application is filed. It shall be in writing and shall state the reasons therefore. Such decision shall be mailed postage prepaid to the property owner.
- (f) ~~The city clerk shall delete from the Official Heritage Tree Register any heritage tree for which a permit to remove is granted pursuant to this section.~~

**Section 4**

Sections 45.213, 45.214, and 45.215 of the Sacramento City Code are hereby repealed.

~~§ 45.213 Official register.~~

~~Upon completion of the identification and inventory of heritage trees, the director shall recommend to the city council adoption of an official Heritage Tree Register, identifying appropriately as to location, size, and species the heritage trees of the City of Sacramento. Where practicable, the street address of the property on which the tree stands shall be included as the location. The director may periodically review the Register for the purpose of making additions and deletions thereto. After review and upon notification by the director, the city clerk shall delete from the Official Register and notify in writing the property owner of any tree that no longer meets the requirements of Section 45.211(b). Any appeal of such determination of the director that a tree no longer meets the requirements of Section 45.211(b) shall be taken in the manner prescribed in Section 45.218 not later than ten (10) days after notification by the city clerk.~~

~~§ 45.214 Same procedure for adoption.~~

- (a) ~~Upon receipt of the recommendation of the director, the council shall set the same for hearing. At least fifteen (15) days in advance of the hearing, notice thereof shall be sent by mail, postage prepaid, to all owners of property on which trees are located which are recommended by the director to be included on the Official Register as heritage trees. As used herein, property owner means the person to whom the property is assessed as shown on the latest equalized assessment roll of the County of Sacramento. In addition, notice of hearing shall be published once in the official newspaper of the city not less than fifteen (15) days before the hearing.~~
- (b) ~~After the hearing thereon, the council may adopt, modify and adopt or reject the recommendation of the director. Adoption of the designation of trees as heritage trees shall be by resolution and shall contain findings of fact in support of each designation. Such resolution shall be the Official Register of Heritage Trees.~~

~~(c) The Official Heritage Tree Register may be amended from time to time for the purpose of designating additional trees as heritage trees. In such case, the procedure set forth in Subdivisions (a) and (b) of this section shall apply.~~

~~§ 45.215 Notification of designation.~~

~~The owner of property on which is located any tree designated in the Official Register as a heritage tree shall be notified of that fact by mail, postage prepaid, within thirty (30) days after such designation.~~

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: \_\_\_\_\_

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

## AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 45 OF THE SACRAMENTO CITY CODE, RELATING TO TREES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

### Section 1

Article I of Chapter 45 (Sections 45.1 - 45.16) of the Sacramento City Code is hereby amended to read as follows:

#### Article I. In General

##### Sec. 45.1 Findings.

The City Council finds and determines that the planting and preservation of trees enhances the natural scenic beauty, increases lifegiving oxygen, promotes ecological balance, provides natural ventilation, air filtration, and temperature, erosion, and acoustical controls, increases property values, improves the lifestyle of residents, and enhances the identity of the City.

##### Sec. 45.2 Definitions.

When used in this article, the following words and phrases shall apply:

- (a) City street tree. "City street tree" shall mean and include any tree growing on a public road easement. City street trees are maintained by the City.
- (b) Director. "Director" shall mean the Director of the Department of Parks and Community Services or the Director's designated representative.
- (c) Maintain or maintenance. "Maintain" or "maintenance" shall mean and include trimming, pruning, spraying, injecting, fertilizing, cabling, treating for disease or injury, and any other similar acts which promote the life, growth, health or beauty of trees, excepting only watering, unless specifically so stated.
- (d) Maintenance easement. "Maintenance easement" shall mean a strip of land parallel to a public right-of-way and adjacent thereto, which is six and one-half feet wide, measured from the front property line, (and the side property line if a corner lot),

---

FOR CITY CLERK USE ONLY

ORDINANCE NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

except that a maintenance easement shall not be deemed to exist on any parcel where the adjacent street right-of-way provides space for a City street tree.

- (e) Maintenance Easement Private Street Tree. "Maintenance Easement Private Street tree" shall mean and include any tree growing within a maintenance easement. No parcel contains more than one maintenance easement private street tree per forty (40) feet of street frontage. If there is more than one tree in the maintenance easement per forty (40) feet of street frontage, only the one closest to the street is a maintenance easement private street tree, and the other(s) are private trees. The owner of the parcel is responsible for maintenance of any maintenance easement private street trees, but must obtain advance approval from the Director before performing work on any maintenance easement private street tree. The City may assist with maintenance of maintenance easement private street trees, as budgetary limitations allow.
- (f) Planting List. "Planting list" is the list of trees which is approved by the Director for planting as street trees.
- (g) Private Tree. "Private tree" shall mean and include any tree on private property outside of the maintenance easement. The owner of the parcel is responsible for maintenance of private trees.
- (h) Property Owner. "Property Owner" shall mean and include the person listed as the owner of the property on the then current assessor's role.
- (i) Public Tree. "Public tree" shall mean and include any tree on public property, excepting trees growing on a public road easement.
- (j) Public Utility. "Public utility" shall mean and include every pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system, and heat corporation, where the service is performed for or the commodity delivered to the public or any portion thereof.
- (k) Street Tree. "Street tree" shall mean and include both City street trees and maintenance easement private street trees.

Sec. 45.3 Planting list; Tree planting.

- (a) The Director shall promulgate a planting list. Such list shall consist of shade and ornamental trees suitable for areas adjacent to sidewalks, streets, utility lines, etc. All new and replacement City street tree plantings shall be confined to trees listed on the then current planting list.
- (b) The Director shall provide for the planting of maintenance easement private street trees within the maintenance easement of any new subdivision in conformity with Chapter 40 of the City Code, Sections 40.318 and 40.811(i).

- (c) A maintenance easement, as defined in Section 45.2(d), shall be established for any new development which is not subject to Section 40.318 of the City Code. The Director shall provide for the planting of maintenance easement private street trees within the maintenance easement of the development.

**Sec. 45.4 Inspection, maintenance, removal and replacement.**

Within budgetary limitations, the Director may provide the following tree-related services:

- (a) The inspection, maintenance, removal, and replacement of City street trees, including the removal of City street trees, or limbs therefrom, which are a hazard to public safety, or a public nuisance.
- (b) Inspection of maintenance easement private street trees.
- (c) Where the Director determines it to be necessary, the maintenance, removal, and replacement of maintenance easement private street trees.

In order to perform the services listed in this section, the Director shall have authority to enter upon any part of the maintenance easement, and where necessary the properties adjacent thereto.

**Sec. 45.5 Duties of property owner/tenant and public utilities.**

- (a) It shall be the duty and responsibility of all property owners/tenants to maintain the grounds of maintenance easements on the owner's property, and any unpaved portion of the adjacent street right-of-way where space is provided for a City street tree or other plantings, regardless of whether such property is developed. This maintenance shall include watering as needed and keeping such easements and unpaved areas free from weeds or any obstructions contrary to public safety. Property owners shall be responsible for watering mature City street trees whenever landscaping of the property is changed in such a manner as to deprive the tree of its normal source of water. Such watering shall be continued during dry weather until the City street tree becomes acclimated to the new environment, but need not exceed three years. All watering requirements shall be waived to the extent inconsistent with governmental restrictions on water use.
- (b) It shall be the duty and responsibility of every person owning or occupying any real property within the City of Sacramento, at his or her own expense, to keep all trees on that property, including trees located in an easement dedicated to the public, trimmed in such a manner that there is a clearance of at least fourteen feet above any street or alley, and a clearance of at least eight feet over any sidewalk. It shall also be the duty and responsibility of every person owning or occupying any real property within the City of Sacramento, at his or her own expense, to keep all trees on that property trimmed in such a manner that they do not obstruct the view of any traffic sign or device for vehicle traffic in the direction controlled by that traffic sign or device.

- (c) A property owner shall be responsible for maintaining all trees on the property owner's property, including maintenance easement private street trees. Nothing in this article shall be construed to limit the duty or right of a property owner to remove or perform maintenance at the property owner's own expense on any tree other than a City street tree, except that pursuant to Section 45.6, the owner must obtain a permit to perform maintenance on a maintenance easement private street tree.
- (d) Whenever the Director determines that removal of a maintenance easement private street tree or a private tree, or limbs therefrom, is necessary to eliminate a hazard to public safety or a public nuisance, the Director may issue a written notice to the property owner specifying the work to be done.
- (e) If, in the opinion of the Director, any maintenance easement private street tree or private tree is in such a condition as to be imminently hazardous to public safety, the Director may arrange to have accomplished such work as is necessary to eliminate the imminent hazard. The cost of such work shall be made a personal obligation of the property owner or shall be assessed against the property as a lien as provided in Article X of Chapter 61 of the City Code.
- (f) Nothing contained in this section authorizes any person to remove, trim, prune, cut or otherwise perform any maintenance on any City street tree or maintenance easement private street tree without first obtaining a permit as required by Section 45.6.
- (g) It shall be the duty and responsibility of any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of a public right-of-way or maintenance easement, to obtain permission from the Director before performing any maintenance on said wires, pipes, or conduits, which would cause injury to City street trees or maintenance easement private street trees. Said public utility shall in no way injure, cut roots, deface, prune, or scar any City street tree or maintenance easement private street tree until their plans and procedures have been approved by the Director.

**Sec. 45.6 Protection of Trees.**

- (a) No person shall remove, trim, prune, cut or otherwise perform any maintenance, on any City street tree or maintenance easement private street tree without first obtaining a permit from the Director pursuant to Sec. 45.7.
- (b) No person shall interfere or cause any person to interfere with any tree related work being done pursuant to this article by any employee of the City of Sacramento or any person or firm doing work for the City.
- (c) No person shall injure or destroy any City street tree or maintenance easement private street tree by any means, including but not limited to the following:

- (1) Constructing a concrete, asphalt, brick, or gravel sidewalk, or otherwise filling up the ground area around any tree so as to shut off air, light or water from its roots, unless ordered or authorized to do so by the City.
  - (2) Piling building material, equipment or other substance around any tree so as to injure the tree.
  - (3) Pouring any deleterious matter on or around any tree or on the surrounding ground, lawn or sidewalk.
  - (4) Posting any sign, poster, notice, or similar device on any tree, tree stake or guard, or by fastening any guy wire, cable, rope nails, screws, or other device to any tree, tree stake or guard for any purpose other than supporting the tree.
  - (5) Causing any fire or burning near or around any tree.
  - (6) Cutting roots with a diameter of two inches (2") or greater for sidewalk repair or any other purpose; provided, however, that roots with a diameter of two inches (2") or greater may be cut if authorized in advance by the Director.
- (d) The Director of Public Works and the Planning Director shall notify the Director of any applications for new subdivisions, curb, gutter, sidewalk, street light or driveway installations, or other proposed improvements which might require the removal of or cause injury to, any City street tree, or interfere with the fulfillment of the maintenance easement private street tree plantings.

**Sec. 45.7 Maintenance and Removal Permits.**

- (a) The Director shall issue permits to perform maintenance on or to remove City street trees or maintenance easement private street trees, only if the following conditions are met:
- (1) The applicant has established, to the Director's satisfaction, that there is need for the proposed work on the tree; and
  - (2) The applicant has established, to the Director's satisfaction, that the persons who are to perform the work are qualified to do so; and
  - (3) The Director, in his sole discretion, has determined that any potential detriment to the street tree population entailed by the proposed work is justified in the individual case. In making this determination, the Director shall consider factors such as the probability that the proposed work will destroy or seriously injure the tree, the tree's health, the desirability of that species as a street tree, whether the tree's condition and size threaten serious damage to property, the condition and number of other street trees in the vicinity, whether there are other less onerous means of accomplishing the applicant's goals, and other related criteria.

- (b) All work performed on street trees pursuant to a permit issued by the Director under this section shall be done within a sixty day period from the issuance of said permit, or within such longer period as the Director shall specify.
- (c) The Director shall condition any permit granted pursuant to this section for the removal of a street tree, on the permittee removing, and where the Director determines it to be appropriate, replacing the tree. In such case, the full cost of removal and replacement shall be borne by the permittee and such service shall not be provided by the City.
- (d) The Director may condition any permit granted pursuant to this section on any conditions the Director determines to be necessary.
- (e) The provisions of Sec. 45.12 shall be complied with whenever an applicant seeks a permit to remove or trim a street tree to facilitate moving any building or other structure.

**Sec. 45.8 Removal Work.**

Where the Director has granted a permit to remove a street tree, removal work shall include removal of the tree stump and nearby roots to a depth of twelve inches, and filling of the hole with clean topsoil. If no replacement tree is required by the Director, then lawn, groundcover, or paving to match the adjacent area shall be provided by the permittee. The permittee shall also repair any damages to the street, curb, or sidewalk caused by the tree's removal.

**Sec. 45.9 Replacement Trees.**

Where the Director has granted a permit to remove a street tree, and conditioned said permit on the permittee replacing the tree, the permittee shall provide the replacement tree of a size and species determined by the Director, and plant said tree in the location specified by the Director. The minimum replacement tree size shall be as follows:

- (a) If the street tree being removed is six inches or larger in diameter, measured four and one-half feet above ground, then the permittee shall cause to be replanted a tree of at least twenty-four inch box size.
- (b) If the street tree being removed is smaller than six inches diameter, measured four and one-half feet above ground, then the replacement tree shall be a minimum of fifteen gallon can size.

**Sec. 45.11 Dutch Elm Disease.**

In the event of discovery of the Dutch Elm Disease fungus, *ceratocystus ulmi*, infecting any tree in the City of Sacramento, the regulations of Article II of this chapter shall prevail over any conflicting regulation contained in this article.

**Sec. 45.12 House Moving.**

- (a) The Director of Public Works shall consult with the Director prior to issuing a permit for moving any building or other structure along any City street.
- (b) The Director may require the person moving any structure to furnish a bond in an amount sufficient to cover the anticipated damage or destruction of any City street trees or maintenance easement private street trees, if the route over which the structure is to be moved potentially entails damage to City street trees or maintenance easement private street trees.
- (c) No person shall remove a street tree to facilitate the moving of a house or other structure, without first complying with the permit provisions of Sec. 45.7. Similarly, if a permit is issued and the tree removed, the person moving the structure shall comply with all other provisions of Secs. 45.7 through 45.9, including stump and root removal, planting an appropriate replacement tree, and repairing any damage to the street, sidewalk, or curb which the tree's removal entails.
- (d) In connection with the relocation of an historically significant structure as identified by the Historic Preservation Board or City Council, the Director shall give greater consideration to the removal of street trees if there is no alternative way to preserve the structure. Factors to be considered by the Director include the historical significance of the structure, whether it could be preserved in its present location, the condition, size, and species of the trees to be removed, and other related factors.

**Sec. 45.13 Appeals.**

Any person who is denied a permit to remove or maintain a City street tree or a maintenance easement private street tree, or who object to the removal of the tree pursuant to Section 45.4(a) or Section 45.7, shall be entitled to meet personally with the Director, Assistant Director, or Deputy Director of Parks and Community Services to review the permit application. Any person aggrieved by the Director's decision may appeal such decision to the City Council by filing a written notice of appeal with the City Clerk within ten days of the date of the Director's final decision. The notice shall clearly specify the action or determination appealed from, and the reasons for which a hearing is requested.

**Sec. 45.14 Liability.**

Nothing in this chapter shall be deemed to impose any liability upon any member of the City Council or the City of Sacramento or any of its officers, agents, or employees, or to relieve the owner or occupant of any private property from the duty to keep their private property, sidewalks, and adjacent right-of-way planting area in a safe condition and so as not to be hazardous to public use.

**Sec. 45.15 Violations.**

Any person violating any provision of this chapter is guilty of an infraction.

**Sec. 45.16 Registration of Persons Maintaining Street Trees.**

Any person, firm, or corporation desiring to perform maintenance on any City street tree or maintenance easement private street tree shall register with the Director on a form to be provided by the Director.

Nothing contained herein exempts any registrant from obtaining required permits for maintenance or removal of street trees.

**Sec. 45.17 Suspension and Reinstatement.**

In the event that the Director determines that any registrant has performed substandard maintenance work on one or more street trees, the Director shall issue an order suspending the registrant's privilege to maintain street trees. The privilege shall be reinstated when the registrant provides evidence, through further education or training, or certification by a recognized national organization, that the registrant can perform tree maintenance work in accordance with acceptable industry standards. Any registrant who contests suspension of his/her/its privilege to maintain street trees shall be entitled to meet personally with the Director, Assistant Director, or Deputy Director of Parks and Community Services to review the suspension. The registrant may appeal the Director's decision to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days of the date of the Director's final decision. The notice shall clearly specify the determination appealed from and the reasons for which a hearing is requested.

**Section 2**

Section 45.211 of Article IV of Chapter 45 of the Sacramento City Code is hereby amended to read as follows:

**§ 45.211 Definitions.**

- (a) "Director" shall mean the director of the department of community services or his authorized representative.
- (b) "Heritage tree" shall mean:
  - (i) any tree of any species with a trunk circumference of one hundred (100) inches or more, which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape and location for its species.
  - (ii) any native Quercus species, Aesculus California or Platanus Racemosa, having a circumference of 36 inches or greater when a single trunk, or a cumulative circumference of 36 inches or greater when a multi-trunk.

- (iii) any tree 36 inches in circumference or greater in a riparian zone. The riparian zone is measured from the center line of the water course to 30 feet beyond the high water line.
- (iv) any tree, grove of trees or woodland trees designated by resolution of the City Council to be of special historical or environmental value or of significant community benefit.
- (c) "Drip line area" shall mean the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.
- (d) "Circumference" shall mean circumference measured four and one-half (4 ½) feet above ground level.

**Section 3**

Section 45.217 of the Sacramento City Code is hereby amended to read as follows:

**§ 45.217 Maintenance responsibility; ermits for activities affecting heritage trees.**

- (a) A property owner shall be responsible for maintaining all heritage trees on the property owner's property.
- (b) None of the following activities shall be performed unless a permit therefore is first applied for by the property owner or person authorized by the property owner and granted by the director, subject to appeal provisions in Section 45.218:
  - (1) The removal of any heritage tree;
  - (2) Pruning of any segment of a heritage tree greater than thirty-six (36) inches in circumference or the placement of any chemical or other deleterious substance by spray or otherwise on any heritage tree;
  - (3) Disturbing the soil or placing any chemical or other deleterious substance or material on the soil within the drip line area of any heritage tree.
- (c) The permit shall be granted by the director if he finds:
  - (1) In the case of removal, (a) that the heritage tree must be removed in order for the applicant to use the property for any use permitted as of right or by special permit under the City of Sacramento Zoning Ordinance for the zoning district in which the property is located and that such use could not be made of the property unless the tree is removed; or (b) that the condition of the tree with respect to disease, danger of falling or interference with utility services is such that the public health, safety or welfare require its removal; or (c) that the tree or tree roots are causing, or threatening to cause, damage to any main structure on the owner's property; or (d) that the tree no longer meets the criteria for a heritage tree set forth in Section 45.211(b);

- (2) In the case of any other activity for which a permit is required, that such activity is necessary either to preserve the heritage tree or to engage in construction activity on the property.
- (d) In the case of removal of any heritage tree under Subsection (c)(1) above, the director shall not act on such an application until a hearing is held thereon. Notice of the time and place of the hearing shall be posted in a conspicuous place on the real property upon which the heritage tree is located and shall be mailed to the applicant and to all owners of real property located within a five hundred (500) foot radius of the real property upon which the heritage tree is located. Notices shall be posted and mailed at least ten (10) days in advance of the hearing. As used herein, owner means the person to whom the property was assessed in the latest equalized assessment roll of the County of Sacramento unless the director has knowledge of a person other than such assessee claiming record ownership of the property.
- (e) The director shall not act on any permit application unless the director has first given the permit applicant an opportunity to be heard thereon. Notice of the time and place at which the applicant may be heard shall be given to the applicant by mail, postage prepaid, at the address shown for the purpose in the application at least ten (10) days in advance thereof.
- (f) The decision of the director may be to grant, grant with conditions or deny any permit applied for and shall be rendered within fifteen (15) days after the application is filed. It shall be in writing and shall state the reasons therefore. Such decision shall be mailed postage prepaid to the property owner.

**Section 4**

Sections 45.213, 45.214, and 45.215 of the Sacramento City Code are hereby repealed.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK